3.0   **OPENING AN**
                 ADVERSARY PROCEEDING

This process shows the steps and screens required for an external user to open an adversary complaint in CM/ECF.   Please Note that if any fee amounts appear on screen shots below, they were correct at the time of posting but may or may not be current now (check the most current fee schedule here).

Step 1 - Click on the **Adversary** hyperlink on the CM/ECF Main Menu Bar.

Step 2 - The ADVERSARY EVENTS screen displays.

Click on **Open an AP Case** hyperlink.
For further information on each of these categories, click the (Help) icon.

Step 3 - The OPEN ADVERSARY CASE screen displays.

Open Adversary Case

Case type ap
Date filed 6/20/2006
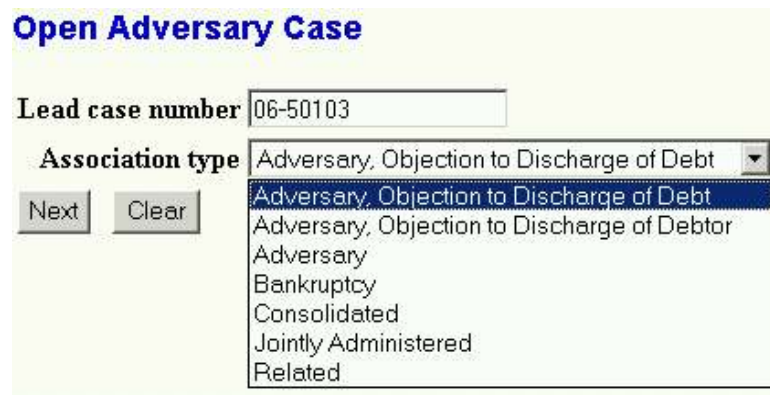Complaint y ▼

Next | Clear

Case Type defaults to AP.
Date Filed is the date the adversary is being entered into the system (defaults to present date).
Complaint should be y.

Click the [Next] button.

Step 4 - The OPEN ADVERSARY CASE (LEAD CASE/ASSOCIATION TYPE) screen displays.

Open Adversary Case

Lead case number 06-50103
Association type Adversary, Objection to Discharge of Debt ▼

Next | Clear

Adversary, Objection to Discharge of Debt
Adversary, Objection to Discharge of Debtor
Adversary
Bankruptcy
Consolidated
Jointly Administered
Related

Enter the Lead Case (Main Bankruptcy Case) Number into the appropriate field.
Choose the Association Type from the drop-down list. For the relief type 727, choose Adversary, Objection to Discharge of Debtor. For 523 relief, choose Adversary, Objection to Discharge of Debt.

For any other Adversary Relief type, choose, Adversary.

Click the [Next] button.

Step 5 - The DIVISION/JUDGE screen is displayed.

Open Adversary Case

Case is assigned to **Macon** Division, Judge **Walker** based on the lead Bankruptcy case 06-50103.

[Next] [Clear]

Division and Judge defaults to main case information.
Click the [Next] button.

Step 6 - The SEARCH FOR A PLAINTIFF screen displays.

Open Adversary Case

Search for a plaintiff

SSN	[ ]	Tax Id	[ ]

Last/Business name [Strickland]

First Name [   ]

Middle Name [   ]

[Search] [Clear]

NOTE: When opening an adversary case, ONLY add plaintiff(s) and defendant(s).

Before adding a party, a search of the database for the party must be performed. A search may be performed by Social Security Number, Tax Identification Number, Last Name, or Business Name. Enter the last name or the first few characters of the last name to search. The search can be further refined by entering the first and/or middle name if desired. If this is a business filing, enter the first word or significant words of the name to search the database. The entire business name is stored in the Last/Business name field. The field size is 80 characters.
Enter the plaintiff's last name and click [Search].

Search Hints:

Format Social Security Number or Tax ID with hyphens.
Include punctuation. (O'Brien)
Try alternate search clues if your first search is not successful.
Partial names can be entered.
Wild cards (*) are not required at the end of search strings.

Step 7 - If there are no matches, the system will return a No Person Found message.

If the system finds a match, you can select that name and a "popup" box will give you the rest of that plaintiff's information as it is in the database. Verify that the information is correct before selecting.

If available information is incorrect or if the party is not in the database, proceed to add the plaintiff. Click [Create New Party].

Step 8 - The PLAINTIFF INFORMATION screen displays.

Enter plaintiff's name in the appropriate field. Be sure to put a period after any initial and to include any generation information.

Enter plaintiff's address only if pro se. If address appears for non prose plaintiff, blank out the information in the address fields.

Enter further descriptive text in the Party Text field, if appropriate. (A Connecticut Corporation, Guardian of the State, etc.)

If the plaintiff has an alias, click the [Alias] button.

Step 9 - The ALIAS screen appears.

You can enter up to 5 alias records at a time. Alias Role selections include aka, dba, fdba, fka. Click [Add aliases]. To add more alias records, click the [Alias] button again and repeat Step 9.

Step 10 - The PLAINTIFF INFORMATION screen appears once more.

Click on the Attorney button to add the attorney representing the plaintiff if not pro se. This needs to be done to create the association between the attorney and the plaintiff.

Step 11 - The SEARCH FOR AN ATTORNEY screen displays.

The attorney roll can be searched by District Court ID or by last name.
Enter the last name of the Attorney in the last name field or his Bar ID Number in that field.
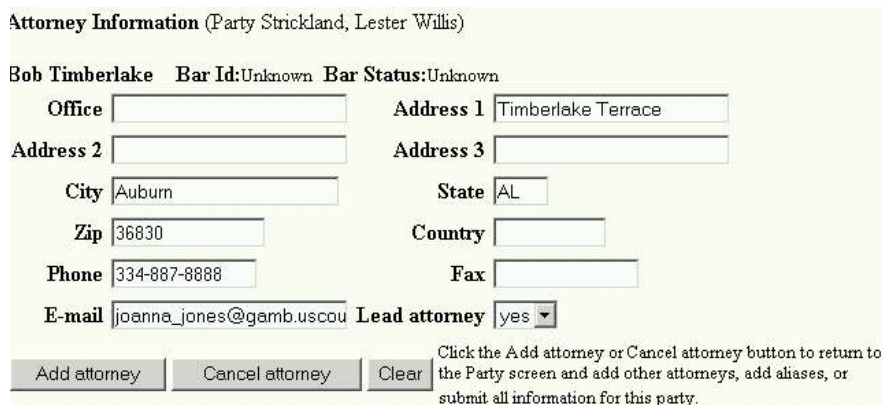Click [Search].

Step 12 - The ATTORNEY SEARCH RESULTS displays on the next screen. If the attorney you are searching for is already on the court's attorney roll and there is a match, they will be listed for selection. If more than one attorney matches your search criteria they will also be listed.

If the filer's attorney is displayed, highlight the name. The attorney address information will "popup" for verification. Click [Select name from list]. The "popup" information will close at this time. If the filer has an attorney and the attorney's name is NOT displayed in the Attorney Search Results box, a new attorney can be added by clicking the [Create new attorney] hyperlink. Click the [Next] button.

Step 13 - The ATTORNEY INFORMATION screen displays.

Attorney Information (Party Strickland, Lester Willis)

Bob Timberlake   Bar Id:Unknown Bar Status:Unknown

Office		Address 1	Timberlake Terrace
Address 2		Address 3	
City	Auburn	State	AL
Zip	36830	Country	
Phone	334-887-8888	Fax	
E-mail	joanna_jones@gamb.uscou	Lead attorney	yes

[Add attorney] [Cancel attorney] [Clear] Click the Add attorney or Cancel attorney button to return to the Party screen and add other attorneys, add aliases, or submit all information for this party.

If the address or telephone number is missing or incorrect for the current case, make the appropriate changes.

NOTE: Changing the attorney's address or telephone number on this screen only changes it for the current case. If the attorney is representing multiple parties, they will need to be added as the attorney for each plaintiff-party they are representing.

Click [Add Attorney].

Step 14 - The PLAINTIFF INFORMATION screen appears.

Clicking on the [Review] button presents a screen summarizing the attorney and alias activity entered for this plaintiff. This is an automatic QC of the case information.
Verify the information.
Be cautious of the [Clear] button. You could accidentally delete information.

Click [Return to Party Screen].

Step 15 - The PARTY INFORMATION screen appears once more.

Click [Submit].

Once all Plaintiff(s) have been added to the system, click [End Plaintiff Selection]

Repeat the applicable steps above until all Defendant(s) have been added to the system.

NOTE: When adding a defendant, complete the defendant's address fields, but DO NOT associate an attorney for the defendant. An attorney for a defendant will be added to the case upon the filing of an answer.

Once all Defendant(s) have been added to the system, click [End Defendant Selection].

Step 16 - The NATURE OF SUIT INFORMATION screen displays.

Click the down arrow to reveal the list of Party Code options. If the U.S. is a plaintiff or a defendant in the adversary proceeding, click to highlight the correct party code. If the U.S. is not a plaintiff or defendant in the case, accept the default US is not a party in the case.

Click the down arrow to reveal the list of Rule 23 (Class Action) options. The default is n for no. If the adversary being filed is a Rule 23 (Class Action) proceeding, change the default to y.

Click the down arrow to reveal the list of Jury Demand options. Those options are Both, Defendant, None or Plaintiff. The system defaults to none. Choose the appropriate option. If a jury trial is requested in the complaint, indicate in the Jury demand field.
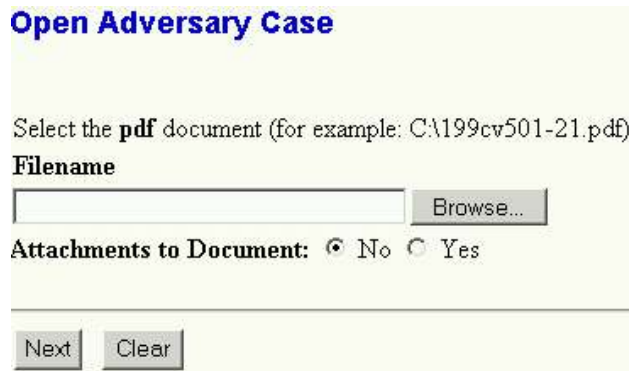
In the Demand field, enter the demand amount specified in the complaint. Enter the amount to the nearest thousand (i.e. for a demand of $5,000, enter 5, leaving off the 000). DO NOT use dollars signs or commas. If no dollar amount on demand, leave blank.

Click the down arrow to reveal the list of Primary Nature of Suit options. Click to highlight the primary nature of suit that applies to this case. The primary nature of suit should be the main issue of the complaint. If applicable, any number of secondary Natures of Suit options can be selected from the list of Secondary Nature(s) of Suit.

NOTE: If there is more than one Nature of Suit and one is objection to discharge (727), choose 424 (Obj/Revocation Discharge 727) first.

Click the [Next] button.

Step 17 - The PDF ATTACHMENT screen appears.

Open Adversary Case

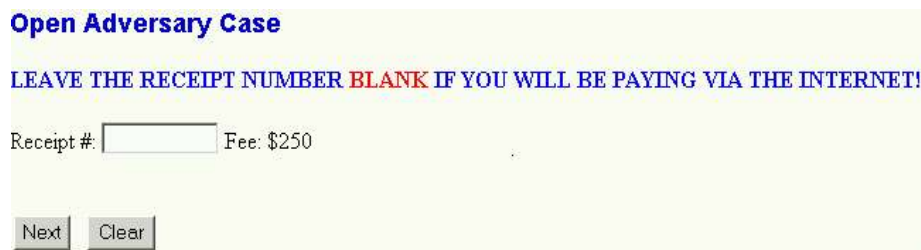Select the **pdf** document (for example: C:\199cv501-21.pdf).
Filename
[   ] [Browse...]
Attachments to Document: ⊙ No ○ Yes

[Next] [Clear]

Select the .pdf file to associate with this event.   For more detailed information about creating and attaching .pdf files, see section: <u>How to Convert Documents to PDF</u> for instructions.

Click the [Next] button.

Step 18 - The FEE scree displays.

Open Adversary Case

LEAVE THE RECEIPT NUMBER **BLANK** IF YOU WILL BE PAYING VIA THE INTERNET!

Receipt #: [   ]   Fee: $250

[Next] [Clear]

Do Not enter anything in the receipt field UNLESS there is no fee due under the following circumstances:

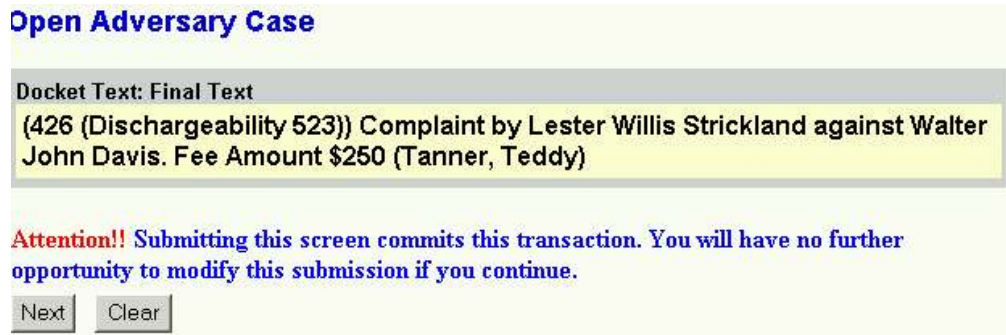If the debtor is the plaintiff, type "NFR" in the receipt field

Click the [Next] button.

Step 19 - The OPEN ADVERSARY CASE screen displays.

Click the [Next] button.

Step 21 - The FINAL DOCKET TEXT screen displays.

Verify the accuracy of the docket text. This is what will display on the docket sheet. If the docket text is incorrect, click the browser [Back] button at the top of the screen one or more times to find the error to be corrected. To abort this entry you may click on any heading on the blue CM/ECF Main Menu Bar.

Click the [Next] button.

An electronic payment screen appears (if a fee is due). See section: <u>On-Line Credit Card Payments</u> for additional instructions.

Step 21 - The NOTICE OF ELECTRONIC FILING screen displays.

The new adversary number is displayed.

The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It verifies that the case was opened.

Step 23 - After obtaining a pre-trial hearing date from the appropriate calendar clerk, docket Request to Issue Summons. See separate instructions: <u>Request To Clerk To Issue Summons</u>.